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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carstens, Carsten-Peter

Serial No.: 09/492,590

Examiner: G. Leffers Jr.

Filed: January 27, 2000

Group: 1636

Entitled: METHODS AND COMPOSITIONS FOR
HIGH LEVEL EXPRESSION OF A
HETEROLOGOUS PROTEIN WITH POOR
CODON USAGE

Attorney Docket No.: 25436/1340 [Formerly 4114/85530]

Assistant Commissioner for Patents

Washington, D.C. 20231

SUPPLEMENTAL DECLARATION OF MARY BUCHANAN

UNDER RULE 1.132

I, Mary Buchanan, hereby declare, supplemental to the Rule 1.132 Declaration filed on February 9, 2001, that:

1. I am employed by Stratagene, the assignee of record of the above-referenced patent application. I hold the position of Director of Product Management at Stratagene.

2. I understand that the Examiner has raised a question as to the relative level of sales of related products available in the marketplace upon which to base a comparison of the commercial success of the claimed host cell strains embodied in Stratagene's CodonPlusTM product line. The sales figures presented in my prior declaration encompassed Stratagene's sales over approximately 20 months from the first offer of sale in May of 1999 (BL21-CodonPlusTM-RIL Competent Cells) to shortly before February 9, 2001. To my knowledge, prior to 2001, Stratagene held 100% of the market share for codon-enhanced host cells because there were no

other commercially available host cell strains containing recombinant genes for tRNAs specific for low-frequency codons (Novagen entered the market in early 2001 with their Rosetta™ strains). There would be no reason to buy or use the more expensive CodonPlus™ strains for the expression of genes without codon bias problems, so comparison of sales figures from other expression systems that are not codon optimized would not provide a meaningful background against which to determine commercial success.

3. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11/8/01

Date



Mary Buchanan
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